

Message Text

CONFIDENTIAL

PAGE 01 STATE 299222

74-61

ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 R

DRAFTED BY EA/K - EHURWITZ/L/EA:EGVERVILLE:AP

APPROVED BY EA:AHUMMEL

L - MLEIGH

P - DO'DONOHUE

S/S-RPERITO

----- 051880

O 090203Z DEC 76

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL IMMEDIATE

C O N F I D E N T I A L STATE 299222

EXDIS

E.O. 11652: GDS

TAGS: PINT,KS, US

SUBJECT: REQUEST OF KCIA OFFICIAL TO REMAIN IN US

REF: SEOUL 9563

FOLLOWING IS TEXT OF AIDE-MEMOIRE RESPONDING TO ROKG AIDE-MEMOIRE CONVEYED REFTEL. AIDE-MEMOIRE SHOULD BE DELIVERED BY ACTING POLITICAL COUNSELOR TO DIRECTOR OR ACTING DIRECTOR MOFA AMERICAN AFFAIRS BUREAU. ANY RESPONSES TO ROKG COMMENTS ON AIDE-MEMOIRE DURING DELIVERY SHOULD BE LOW-KEY AND DRAW ON CONTENT OF AIDE-MEMOIRE.

QUOTE:

THE GOVERNMENT OF THE UNITED STATES HAS TAKEN NOTE OF THE AIDE MEMOIRE OF THE GOVERNMENT OF THE REPUBLIC OF KOREA REGARDING COUNSELOR KIM SANG-KUN. MR. KIM HAS ASKED THE UNITED STATES GOVERNMENT FOR PERMISSION TO REMAIN IN THE UNITED STATES. IN LETTERS WRITTEN ON NOVEMBER 29 AND DECEMBER 6 TO THE KOREAN AMBASSADOR IN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 299222

WASHINGTON, MR. KIM STATED THAT HE HAD MADE UP HIS MIND

TO DO SO OF HIS OWN FREE WILL FOR PERSONAL REASONS. AT HIS REQUEST, MR. KIM IS UNDER THE PROTECTION OF THE UNITED STATES MARSHAL'S SERVICE. HE IS NOT IN THE CUSTODY

OF THE FEDERAL BUREAU OF INVESTIGATION OR OF ANY OTHER UNITED STATES GOVERNMENT AGENCY AND IS FREE TO LEAVE HIS PRESENT LOCATION WHENEVER HE WISHES. HE IS ALSO FREE TO RETURN TO THE KOREAN EMBASSY OR LEAVE THE UNITED STATES IF HE SO DESIRES.

THE UNITED STATES GOVERNMENT HAS CONVEYED TO MR. KIM EACH REQUEST OF THE KOREAN AMBASSADOR IN WASHINGTON THAT MR. KIM MEET WITH THE AMBASSADOR OR OTHER OFFICIALS OF THE REPUBLIC OF KOREA. MR. KIM THUS FAR HAS REFUSED TO DO SO BOTH ORALLY AND IN WRITING. THE UNITED STATES GOVERNMENT BELIEVES THAT A MEETING WITH THE AMBASSADOR WOULD BE DESIRABLE AND WILL CONTINUE TO MAKE MR. KIM AWARE OF THE KOREAN GOVERNMENT'S DESIRE TO HAVE HIM MEET WITH A KOREAN GOVERNMENT REPRESENTATIVE. THE UNITED STATES GOVERNMENT HAS ALSO DELIVERED TO MR. KIM LETTERS FROM THE KOREAN AMBASSADOR, MR. CHANG KUN-SOP AND MR. YANG TU-WON, AS THE GOVERNMENT OF THE REPUBLIC OF KOREA HAS REQUESTED. THE UNITED STATES GOVERNMENT HAS DELIVERED TO THE KOREAN EMBASSY TWO LETTERS FROM KIM ADDRESSED TO THE KOREAN AMBASSADOR. THERE IS THUS NO QUESTION OF A LACK OF PROPER ASSISTANCE ON THE PART OF THE UNITED STATES GOVERNMENT IN THIS MATTER.

THE UNITED STATES GOVERNMENT NOTES THE STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF KOREA THAT THE KOREAN GOVERNMENT HAS NEVER WAIVED MR. KIM'S DIPLOMATIC IMMUNITIES. THE GOVERNMENT OF THE REPUBLIC OF KOREA MAY BE ASSURED THAT NO ATTEMPT WHATSOEVER HAS BEEN MADE BY THE UNITED STATES GOVERNMENT TO SUBJECT MR. KIM TO THE CRIMINAL OR CIVIL JURISDICTION OF THE UNITED STATES IN VIOLATION OF MR. KIM'S DIPLOMATIC IMMUNITIES UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND APPLICABLE PRINCIPLES OF INTERNATIONAL LAW. AT THE SAME TIME, HOWEVER, THE UNITED STATES GOVERNMENT CANNOT FORCE MR. KIM TO RETURN TO KOREA OR TO MEET WITH REPRESENTATIVES

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 299222

OF THE REPUBLIC OF KOREA AGAINST HIS WILL. HOWEVER, IT WILL CONTINUE TO ASSURE THAT HE IS AWARE OF THE CONTINUING DESIRE OF THE KOREAN GOVERNMENT TO ARRANGE SUCH A MEETING. ROBINSON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIDE MEMOIRE
Control Number: n/a
Copy: SINGLE
Draft Date: 09 DEC 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE299222
Document Source: CORE
Document Unique ID: 00
Drafter: EHURWITZ/L/EA:EGVERVILLE:AP
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760454-0568
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761257/aaaabxjx.tel
Line Count: 111
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 76 SEOUL 9563
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 01 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 JUN 2004 by ShawDG>; APPROVED <02 AUG 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST OF KCIA OFFICIAL TO REMAIN IN US
TAGS: PINT, KS, US, (KIM SANG-KUN)
To: SEOUL
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006